

FILED
LODGED
ENTERED
RECEIVED

JUL 20 2016

Magistrate Judge Paula McCandlis

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY FREDRICK BROWN,

Defendant.

CASE NO. MJ16-319

COMPLAINT for VIOLATION

18 U.S.C. § 922(g)(1)

18 U.S.C. § 842 (i)

21 U.S.C. § 841(a)(1)(b)

26 U.S.C. § 5861(d)

BEFORE United States Magistrate Judge Paula McCandlis, United States
Magistrate Judge, U. S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Possession of Methamphetamine with intent to Distribute)

On or about May 13, 2016, in Kent, within the Western District of Washington,
HENRY F. BROWN, did knowingly and intentionally possess, with the intent to
distribute, methamphetamine, a substance controlled under Schedule II, Title 21, United
States Code, Section 812.

It is further alleged that this offense involved 500 grams or more of a mixture or
substance containing a detectable amount of methamphetamine, its salts, isomers, and salts
of its isomers.

All in violation of Title 21, United States Code §§ 841(a)(1) and 841(b)(1)(A)

Complaint: HENRY F. BROWN- 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

COUNT 2

(Possession of an Unregistered Destructive Device)

On or about May 13, 2016, in Kent, within the Western District of Washington, HENRY F. BROWN did knowingly possess a destructive device, to wit: an improvised grenade containing a functional explosive charge, which was not registered to HENRY F. BROWN in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code § 5861(d).

COUNT 3

(Felon in Possession of Explosives)

On or about May 13, 2016, in the City of Kent, within the Western District of Washington, HENRY F. BROWN, having been convicted of the following crimes punishable by imprisonment for a term exceeding one year, to wit:

- *VUCSA-Manufacture/Delivery*, under cause number 03-1-004827-1, in King County Superior Court, Washington, on or about June 6, 2003;
 - *Illegal Possession of a firearm*, under cause number 02-1-00036-0, in King County Superior Court, Washington, on or about June 6, 2003;
 - *2nd Degree Assault- with a deadly weapon*, under cause number 95-1-02525-7, in King County Superior Court, Washington, on or about October 27, 1995;
 - *VUCSA-possession (Methamphetamine)*, under cause number 05-1-12803-4, in King County Superior Court, Washington, on or about February 22, 2006;

did knowingly possess explosives, to wit: a German Military Smoke grenade, containing a functional explosive charge which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code § 842(i)

1 **COUNT 4**

2 **(Felon in Possession of a Firearm)**

3 On or about May 13, 2016, in Kent, within the Western District of Washington,
4 HENRY F. BROWN, having been convicted of the following crimes punishable by
5 imprisonment for a term exceeding one year, to wit:

- 6 - *VUCSA-Manufacture/Delivery*, under cause number 03-1-004827-
7 1, in King County Superior Court, Washington, on or about June
8 6, 2003;
- 9 - *Illegal Possession of a firearm*, under cause number 02-1-00036-
10 0, in King County Superior Court, Washington, on or about June
11 6, 2003;
- 12 - *2nd Degree Assault- with a deadly weapon*, under cause number
13 95-1-02525-7, in King County Superior Court, Washington, on or
14 about October 27, 1995;
- 15 - *VUCSA-possession (Methamphetamine)*, under cause number 05-
16 1-12803-4, in King County Superior Court, Washington, on or
17 about February 22, 2006;

18 did knowingly possess a firearm, to wit: one Smith & Wesson 22 AMP-15, 22 caliber
19 rifle; one Mossberg, 500A, 12 gauge shotgun; and one Interarms, Star Eibar, 40 caliber
20 pistol, each, which had been shipped and transported in interstate and foreign commerce.

21 All in violation of Title 18 United States Code, Section 922(g)(1).

22 And the complainant states that this Complaint is based on the following
23 information:

24 1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms
25 and Explosives (ATF). I am assigned to the Seattle, Washington, Group III Field Office.
26 I have been an ATF Special Agent since December 13, 2009, responsible for
27 investigating and enforcing violations of federal law. I graduated from the Criminal
28 Investigator Training Program and the ATF Special Agent Basic Training Program,
which are both located at the Federal Law Enforcement Training Center in Glynco,

1 Georgia. I have completed the ATF Digital Media Collection Specialist Training course
2 and have conducted multiple forensic collections of data from multiple digital media and
3 other electronic storage platforms. I received my Bachelor of Science degree in
4 Psychology and a second in Criminal Justice from Towson University in Towson,
5 Maryland. I also obtained a Master's of Science degree in Criminal Justice
6 Administration from Columbia Southern University in Orange Beach, Alabama.

7 2. I have training and experience in the investigation of both controlled
8 substance violations and arson/explosive/ firearms violations.

9 3. The facts set forth in this complaint are based upon my personal
10 knowledge, my training and experience, as well as information provided to me by other
11 law enforcement personnel with personal knowledge and my review of their reports.

12 4. The information outlined below is provided for the limited purpose of
13 establishing probable cause and does not contain all details or all facts of which I am
14 aware relating to this investigation.

15 5. On or about May 13, 2016, Seattle Police Narcotics Unit obtained and
16 served a State search warrant on the residence of HENRY F. BROWN at 26026 108th
17 Ave SE, Kent, Washington.

18 6. During a search of BROWN's bedroom, the officers found one Smith &
19 Wesson, 22 AMP-15, 22 caliber, rifle and one Mossberg, 500A, 12 gauge shotgun,
20 located under the bed. The officers also found a Interarms, Star Eibar, 40 caliber pistol in
21 BROWN's bedroom closet.

22 7. Also in the closet, officers located an improvised grenade, containing a
23 functional Military M228 grenade fuze, as well as an explosive mixture. This device has
24 been examined by an ATF Explosive Enforcement Officer Brennan Phillips who has
25 determined this item to be classified as a destructive device pursuant to 26 U.S.C.,
26 Section 5845(d) and therefore required to be registered in the National Firearms
27 Registration and Transfer Record. I confirmed that BROWN did not have this
28

1 destructive device registered to him in the National Firearms Registration and Transfer
2 Record.

3 8. In a can, next to the improvised grenade, the officers found a German
4 Military Smoke grenade, containing a functional explosive charge. This smoke grenade
5 is a Nebelwurfkörper Weib, and is classified as an explosive by Title 27 CFR, Section
6 555.23.

7 9. Over 1,000 grams of suspected methamphetamine were found throughout
8 the house. In one of the bedrooms, the officers recovered a Tupperware container
9 holding approximately 888 grams of methamphetamine. In the living room, another large
10 amount of suspected methamphetamine was also located. These substances field tested
11 positive for methamphetamine. Additionally numerous pills of various other prescription
12 medication were found throughout the house. The pills included Oxycodone, Xanax, and
13 Clonazepam.

14 10. Based upon my training and experience, the quantity of methamphetamine
15 found in BROWN's residence is consistent with distribution and not personal use.

16 11. Approximately \$76,090 in United States currency was located in various
17 locations throughout the house as well as \$2,400 on BROWN's person.

18 12. On June 1, 2016 I interviewed BROWN at King County Jail in Seattle.
19 After being advised of his *Miranda* rights, BROWN admitted that he rented the house
20 and was the sole resident. He admitted to possessing the firearms and the drugs. He
21 denied knowing that the grenade and explosive devices were active.

22 13. According to documents filed in King County Superior Court, Washington,
23 BROWN has been convicted of the following felony crimes as an adult:

24 *VUCSA-Manufacture/Delivery*, under cause number 03-1-
25 004827-1, in King County Superior Court, Washington, on or
about June 6, 2003;

26 *Illegal Possession of a firearm*, under cause number 02-1-00036-
27 0, in King County Superior Court, Washington, on or about June
28 6, 2003;

1 2nd Degree Assault- with a deadly weapon, under cause number
2 95-1-02525-7, in King County Superior Court, Washington, on
3 or about October 27, 1995;

4 VUCSA-possession (Methamphetamine), under cause number 05-
5 1-12803-4, in King County Superior Court, Washington, on or
6 about February 22, 2006

7 14. I have confirmed that the above mentioned firearms and smoke grenade
8 were not manufactured in the State of Washington and therefore had to have travelled in
9 interstate or foreign commerce.

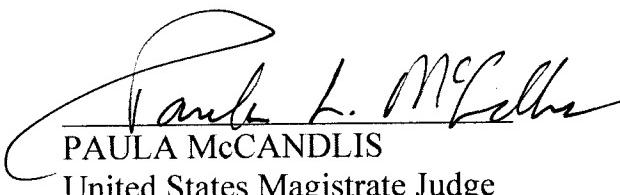
10 15. Based on the foregoing, I submit that there is probable cause to believe that
11 HENRY F. BROWN violated Title 18 U.S.C. § 922(g)(1); Title 18 U.S.C. § 842 (i);
12 Title 21 U.S.C. § 841(a)(1)(b); Title 26 U.S.C. § 5861(d);



13 Michael Collier, Complainant
14 Special Agent, CES ATF

15 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
16 presence, the Court hereby finds that there is probable cause to believe the defendant
17 committed the offense set forth in the Complaint.

18 DATED this 20th day of July, 2016.



19 PAULA McCANDLIS
20 United States Magistrate Judge